

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF FIRST KENTUCKY	)	
CELLULAR CORP., A DELAWARE CORPORATION	)	
D/B/A CELLULAR TELEPHONE COMPANY OF	)	
KENTUCKY, FOR THE ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO PROVIDE DOMESTIC PUBLIC	)	
CELLULAR RADIO TELECOMMUNICATIONS	)	CASE NO. 91-247
SERVICE TO THE PUBLIC IN THE KENTUCKY	)	
RURAL SERVICE AREA WHICH INCLUDES BELL,	)	
CLAY, HARLAN, KNOX, LESLIE AND WHITLEY	)	
COUNTIES IN KENTUCKY, FOR APPROVAL OF	)	
FINANCING, AND FOR ESTABLISHMENT OF	)	
INITIAL RATES	)	

O R D E R

This matter arising upon petition of First Kentucky Cellular Corp. d/b/a Cellular Telephone Company of Kentucky ("First Kentucky Cellular") filed July 22, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of First Kentucky Cellular's business plan contained in Confidential Exhibit 5 to the application on the grounds that disclosure of the information is likely to cause First Kentucky Cellular competitive injury, and it appearing to this Commission as follows:

First Kentucky Cellular has applied for a Certificate of Public Convenience and Necessity to provide cellular telecommunications service to the public in Rural Service Area 11. In support of its application, First Kentucky Cellular has filed as Confidential Exhibit 5 its detailed business plan which includes estimates of construction and equipment costs, financial

projections and pro forma income statements. First Kentucky Cellular has petitioned the Commission to protect this information as confidential.

The information sought to be protected is not known outside of First Kentucky Cellular and is not known by First Kentucky Cellular's employees except on a need-to-know basis. First Kentucky Cellular seeks to protect the information by all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The cellular telephone market is a competitive industry and First Kentucky Cellular will have competition in the Rural Service Area where it proposes to operate from the wireline permittee, Contel Cellular, Inc. The information sought to be protected includes estimates of construction and equipment costs, financial projections and pro forma income statements. First Kentucky Cellular's competitors could use the information to structure rates in such a manner that First Kentucky Cellular would be unable to compete effectively for customers. Therefore, disclosure of the information is likely to cause First Kentucky

Cellular competitive injury and the information is entitled to protection as confidential.

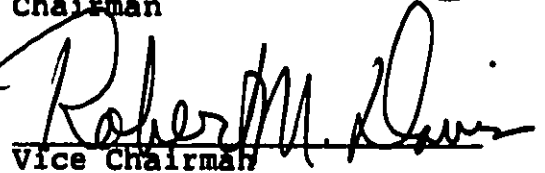
This Commission being otherwise sufficiently advised,

IT IS ORDERED that First Kentucky Cellular's detailed business plan attached as Confidential Exhibit 5 to its application, which First Kentucky Cellular has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 9th day of August, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

  
Executive Director